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11 Attorneys for Plaintiffs  
12 AMERICAN CIVIL LIBERTIES UNION OF  
13 NORTHERN CALIFORNIA and  
14 SAN FRANCISCO BAY GUARDIAN

15 UNITED STATES DISTRICT COURT  
16  
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
18  
19 SAN FRANCISCO DIVISION

20 AMERICAN CIVIL LIBERTIES UNION  
21 OF NORTHERN CALIFORNIA; SAN  
22 FRANCISCO BAY GUARDIAN,

23 Plaintiffs,

24 v.

25 DRUG ENFORCEMENT  
26 ADMINISTRATION,

27 Defendant.

CASE NO.: C 11-01997 RS

**JOINT STIPULATION AND [~~PROPOSED~~]  
ORDER DISMISSING PLAINTIFFS'  
CLAIMS**

**STIPULATION**

WHEREAS, Plaintiffs brought this action under the Freedom of Information Act (FOIA), 5 U.S.C. §552(a)(4)(B) and 28 U.S.C. §1331. (Doc. 1).

WHEREAS, on October 28, 2012, the Court granted in part, denied in part the parties' cross-motions for summary judgment. (Doc. 48).

WHEREAS, pursuant to its summary judgment order, the Court directed Defendant to conduct additional searches, release certain information it had withheld, supplement its search description, and supplement its *Vaughn* index in various respects.

WHEREAS, Defendant provided a status report describing its compliance with the Court's order on December 30, 2011. (Doc. 52).

WHEREAS, thereafter the parties met and conferred and agreed there were no further issues in dispute with respect to Defendant's production of documents under FOIA.

WHEREAS, this Court entered a case management order giving the parties an opportunity to meet and confer on attorneys' fees and costs under 5 U.S.C. §552(a)(4)(E), and requiring the parties to file a stipulation of dismissal on or before April 26, 2012, or appear before this Court on that date to explain why the case should not be dismissed. (Doc. 54).

WHEREAS, the parties have met and conferred on attorneys' fees and costs under 5 U.S.C. §552(a)(4)(E) and have been unable to arrive at a resolution of the matter.

WHEREAS, Plaintiffs will seek attorneys' fees and costs under 5 U.S.C. §552(a)(4)(E).

WHEREAS, the parties do not intend this stipulation and [proposed] order of dismissal to affect the analysis of whether Plaintiffs have "substantially prevailed" within the meaning of 5 U.S.C. §552(a)(4)(E).

THEREFORE, the parties through their respective counsel of record jointly request that Plaintiffs' claims be dismissed with prejudice pursuant to Fed. R. Civ. P.

1 51(a)(1)(A)(ii), so that Plaintiffs may file a motion for attorneys' fees and other litigation  
2 costs pursuant to 5 U.S.C. §552(a)(4)(E) and Local Rule 54-5.

3 SO STIPULATED.

4 Dated: April 25, 2012

5 By:                     /s/                      
6 Linda Lye

7 Michael T. Risher  
8 Linda Lye  
9 AMERICAN CIVIL LIBERTIES UNION  
10 FOUNDATION OF NORTHERN CALIFORNIA

11 Attorneys for Plaintiffs

12 Dated: April 25, 2012

13 By:                     /s/                      
14 Ila Deiss


15 Melinda Haag  
16 UNITED STATES ATTORNEY  
17 Joann M. Swanson  
18 ASSISTANT UNITED STATES ATTORNEY  
19 Ila Deiss  
20 ASSISTANT UNITED STATES ATTORNEY

21 Attorneys for Defendant

22 **[PROPOSED] ORDER**

23 PURSUANT TO STIPULATION, Plaintiffs' claims are dismissed with prejudice.  
24 Plaintiffs may bring a motion for attorneys' fees and other litigation costs pursuant to 5  
25 U.S.C. §552(a)(4)(E) and Local Rule 54-5.

26 Dated:   4/26/12  

27   
28 RICHARD SEEBORG  
United States District Judge